IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCENTURE GLOBAL SERVICES GmbH, and ACCENTURE LLP,	)	C.A. No. 09-848 (SLR)
Plaintiffs,	)	**DEMAND FOR JURY TRIAL**
v.	)	**PUBLIC VERSION**
GUIDEWIRE SOFTWARE, INC.,	)	
Defendant.	)	

DECLARATION OF DOUGLAS R. CHARTIER IN SUPPORT OF ACCENTURE'S MOTION TO STRIKE ALLEGATIONS IN DEFENDANT GUIDEWIRE SOFTWARE, INC.'S AMENDED ANSWER AND COUNTERCLAIMS

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Dated: November 15, 2010
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I, Douglas R. Chartier, declare and state as follows:

1. I am an attorney at the law firm of Morrison & Foerster LLP, counsel of record for Accenture Global Services GmbH and Accenture LLP (collectively, "Accenture") in the above-referenced matter. I have personal knowledge of all the facts contained herein and, if called to testify, could and would competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of an e-mail from L. Scott Oliver, counsel for Accenture, to Clement Roberts, counsel for Guidewire Software, Inc. ("Guidewire"), dated August 20, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 7,013,284 (the "'284 patent").

4. Attached hereto as Exhibit C is a true and correct copy of the Amended Stipulated Protective Order in the related case *Accenture Global Servs. GmbH v. Guidewire Software, Inc.*, No. 07-826-SLR (D. Del.) (the "07-826 case").

5. In the 07-826 case, Guidewire asserted that, *inter alia*, Accenture's '284 patent was unenforceable due to inequitable conduct. To this end, Guidewire subpoenaed three law firms (Brinks Hofer Gilson & Lione APC ("Brinks"); Finnegan, Henderson, Farabow, Garrett & Dunner, LLP ("Finnegan"); and Oppenheimer Wolff & Donnelly LLP ("Oppenheimer")) that had done prosecution work for Accenture, as well as three other patent prosecutors. Guidewire also requested, and received, 17,463 pages of documents from Brinks and 65 pages of documents from Oppenheimer relating to the prosecution of the '284 patent.

6. In connection with the 07-826 case, Guidewire filed two separate requests with the United States Patent & Trademark Office (the "PTO") for the reexamination of the '284 patent, one on June 16, 2008 and another on October 9, 2009. These reexaminations have been

combined and are ongoing. Attached hereto as Exhibit D is a true and correct copy of an excerpt from Guidewire's October 9, 2009 Request for *Ex Parte* Reexamination of the '284 patent in which Guidewire argues that the asserted prior art raises substantial new questions of patentability.

7. During the 07-826 case, Guidewire took the depositions of Terry Kraft of StoneRiver, Inc. (which acquired Fiserv, Inc. ("Fiserv")) on June 23, 2009.

8. During the 07-826 case, Guidewire deposed nineteen former and current Accenture employees.

9. None of the Accenture employees deposed by Guidewire in the 07-826 case knew of [redacted] Attached hereto as Exhibit E is a true and correct copy of excerpts from the depositions of Accenture employees in which [redacted] was discussed.

10. No Accenture's in-house counsel was present at any deposition of third parties in the 07-826 case.

11. With one immaterial exception, all deposition exhibits to which Guidewire refers in its Amended Answer and Counterclaims were marked as "Confidential" or "Outside Counsel's Eyes Only" on their face. Attached are true and correct copies of Exhibits 123 and 141 of the Diamond Systems deposition as Exhibits F and G hereto, respectively; and Exhibits 151, 154, 156, 157, 158, 159, 160, 161, and 163 of the deposition of Mr. Kraft as Exhibits H, I, J, K, L, M, N, O, and P hereto, respectively.

12. All of the deposition exhibits set forth in paragraph 11 are designated as "Confidential" and/or "Outside Counsel's Eyes Only" pursuant to the Amended Stipulated Protective Order attached hereto as Exhibit C. No party, including Guidewire, has moved to de-

designate these documents. Accenture was even not aware that Guidewire believed that these documents should be treated as non-confidential until Guidewire filed a stipulation to file its Amended Answer and Counterclaims on September 13, 2010.

13. At the depositions of Accenture employees Matthew Foster, John Cusano, and Michael Lucarini in the 07-826 case, [redacted] Attached hereto as Exhibits Q, R, and S are excerpts from the depositions of Messrs. Foster, Cusano, and Lucarini, respectively, in which [redacted] were discussed to any extent. Exhibit E hereto includes excerpts from the depositions of Messrs. Foster, Cusano and Lucarini in which [redacted] was discussed to any extent.

14. There has been no finding in the 07-826 case that the ‘284 patent is unenforceable due to inequitable conduct or otherwise.

15. On August 16, 2010, counsel for Guidewire requested that Accenture stipulate to Guidewire’s filing of an amended answer and counterclaims in the instant case that included a new counterclaim of inequitable conduct, as well as additional allegations concerning incorrect inventorship. As indicated in Exhibit A, Accenture disagreed with the merits of these new allegations but agreed to stipulate to the amendment while reserving its rights to move to dismiss and seek sanctions under Rule 11 of the Federal Rules of Civil Procedure.

16. Attached hereto as Exhibit T is true and correct copy of a letter from Mr. Oliver to Mr. Roberts, dated July 26, 2010.

17. Attached hereto as Exhibit U is true and correct copy of Guidewire’s Amended Answer and Counterclaims in the 07-826 case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 15, 2010 at Palo Alto, California.

/s/ Douglas R. Chartier
Douglas R. Chartier

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on November 23, 2010, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on November 23, 2010, the attached document was served via Electronic Mail to the following person(s):

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